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Supreme Court, U.S.
FILED

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OFFICE OF THE CLERK

No. _____

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IN THE
SUPREME COURT OF THE UNITED STATES

_____

Thomas-Robert: Peterson — Petitioner

vs.

Detroit: the city — Respondents

ON PETITION OF WRIT OF CERTIORARI TO :

UNITED STATES COURT OF APPEALS
THE SIXTH CIRCUIT

PETITION FOR WRIT OF CERTIORARI

Thomas-Robert: Peterson

(15926-Beaverland)

Detroit, Michigan (48223)

(313)-531-3206

42 pp

QUESTIONS :

(1a.) Is the section-7 of the Public-Law-93-579: a federal-law(s)?
Cite: At the United States Statutes at Large, at the 88-Stat-1896.

(1b.) If the answer to question-1a. is no: is the said-Section-7 of the Public-Law-93-579 repealed?

(1c.) If the answer to question 1b is yes: by what act of the Congress is the repeal ?

(2.) What are the requirements upon a local-government or a local-government-agency by the language of the section-7(a)(1) of the Public-Law-93-579 ?

(3a.) What are the requirements upon a local-government-agency, by the language of the section-7(b) of the Public-Law-93-579 ?

(3b.) Of the said-7(b): does the authority have to have a foundation in a written-law, or may the requirement for a social-security-number be an arbitrary-policy?

(3c.) As to a 42-U.S.C.-405(c)(2)(C),(i),(v),(vi) for an exemption-to the section-7(a)(1) of the Public-Law-93-579, does a state-law or a state-regulation have to specifically-require the disclosure of a social-security-number for the 42-U.S.C.-405(c)(2)(C),(i),(v),(vi)-exemption?

(4a.) Of the Public-Law-93-579 : is an unlawful-act of the section-7(a)(1) enforceable by a federal-civil-action upon (or against) a local-government ?

(4b.) Of the Public-Law-93-579 : is the section-7(b) enforceable by a federal-civil-action upon (or against) a local-government ?

(4c.) If the answer to question 4a, and/or 4b is yes : Is the said-local-government liable for the damages?

(5.) By the 42-U.S.C.-1983, is the Section-7 of the P.L.-93-579 specifically the section-7(a)(1) and the section-7(b), enforceable upon (or against) a local-government?

(6.) By the use of the rule-18(b) of the Federal Rules of Civil Procedure (F.R.C.P.), is a joinder of a claim of the 42-U.S.C.-1983 to the instant: proper and/or permissible ?

(7.) Does the 42-U.S.C.-405(c)(2)(C),(i),(v),(vi) contain a requirement that the city-Detroit, or any state, or municipal-agency, or local-government obtain an social-security-number from a Citizen or a individual ?

(8.) Is the Detroit-Public-Drivers-License, deemed a drivers-license as intended by the Congress within the 42-U.S.C.-405(c)(2)(C),(i),(v),(vi)?

(9.) If a local-government such as the city-Detroit, requires a social-security-number, as a mandatory-condition for the lawful-operation of a taxi-for-hire within the said-city, and if the city is unable or fails, (even upon request,) to-provide a citing of a state-law, or regulation, that specifically-requires the social-security-number, thereby is the said-city: in-violation, of the 7(b) of the Privacy Act of 1974 and does the said-violation continue until the time the said-city complies with the said-7(b)?

(10.) Of the instant: the 6th-circuit stated the validity of the 7(b)-claim is questionable: did the circuit-court error by not answering the question of the validity of the section-7(b)?

(11.) By the 42-U.S.C.-405(c)(2)(C),(i),(v),(vi) would an exemption to the requirements of the section-7(a)(1) of the Public-Law-93-579, also give an exemption to the requirements of the section-7(b) of the Public-Law-93-579?

(12.) Does the 42-U.S.C.-405(c)(2)(C),(i);(v),(vi) have a provision for an arbitrary-requirement of a social-security-account-number by a government-agency ?

(13.) Does the 42-U.S.C.-405(c)(2)(C),(i),(v),(vi) have a provision for the arbitrary-administration of a drivers-license by a government-agency ?

(14.) May the ongoing-failure of the compliance with the section-7(b) of the Privacy Act of 1974 by a local-government: be deemed as a "Special-Damage" such as within the Federal Rules of Civil Procedure at the rule-9(g)?

(15.) Is the city-Detroit required to comply with the section-7(b) of the Privacy Act of 1974?

(16.) Is the 42-U.S.C.-405(c)(2)(C),(i),(v),(vi) applied as exemption to the Sec.-7 of the Privacy Act of 1974, unconstitutional as applied to the instant?

(17.) Should the petitioner-Peterson be allowed to add to the Complaint a claim of 42-U.S.C.-1983 against the city-Detroit?

(18) Should the petitioner-Peterson be allowed to add to the Complaint or to the action a special-damage claim as a continuing-non-compliance with the s-7b of the Privacy Act of 1974 by the city-Detroit?

(19.) Is the city-Detroit required to provide the due-process-of-law?

(20.) Are the federal-courts required to provide the due-process-of-law?

(21.) Should the judgements of the district-court and the circuit-court be reversed and the action be sent back to the district-court or the circuit-court, and with a outline or standard for the judgement of the action?

Part B THE PARTIES

petitioner: plaintiff-appellant
Thomas-Robert: Peterson [in-person]
[15926-Beaverland]
Detroit, Michigan [48223] PH (313-531-3206)

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respondent: defendant-appellee : Attorney for Detroit
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PART D : LIST OF APPENDIX:

1 The circuit-court-order dismissing the appeal, filed: Aug.-05-2003 : APX : exhibit :---------- A

2 The district-court-order dismissing the complaint and denying motion for reconsideration, and to amend. dated January-23-2003 : APX : exhibit :----------B

3 The district-court-order denying Plaintiffs motions to amend and ordering Plaintiff to show-cause. dated December-18-2002 : APX : exhibit :----------C

4. The district court docket APX : exhibit:---------- D

5 the Complaint : APX : exhibit :----------E

PART E : BASIS OF JURISDICTION :

Complaint filed: August-12-2002, : By the United States Code title-28 Section-1331 Original-Jurisdiction of the district-court: by a federal-question: UNITED STATES DISTRICT-COURT FOR THE EASTERN DISTRICT OF MICHIGAN SOUTHERN DIVISION

Date of district-court dismiss : January-23-2003

Date of circuit court appeal : January-28-2003, to UNITED STATES COURT OF APPEALS FOR THE SIXTH CIRCUIT:

Date of circuit court dismiss: August-5-2003 :

United-States-Code Title-28, Section-1254: a Writ of Certiorari to the Supreme Court:

PART F AUTHORITIES:

28-U.S.C.-1254, Cases in the courts of appeals may be reviewed by the Supreme Court by the following methods:
(1) By writ of certiorari granted upon the petition of any party to any civil or criminal case, before or after rendition of judgment or decree;
(2) By certification at any time by a court of appeals of any question of law in any civil or criminal case as to which instructions are desired, and upon such certification the Supreme Court may give binding instructions or require the entire record to be sent up for decision of the entire matter in controversy.

42-U.S.C.-1983. Civil action for deprivation of rights

Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress, except that in any action brought against a judicial officer for an act or omission taken in such officer's judicial capacity, injunctive relief shall not be granted unless a declaratory decree was violated or declaratory relief was unavailable. For the purposes of this section, any Act of Congress applicable exclusively to the District of Columbia shall be considered to be a statute of the District of Columbia.

42-U.S.C.-405(c)(2)(C),(i),(v),(vi)

(i) It is the policy of the United States that any State (or political subdivision thereof) may, in the administration of any tax, general public assistance, driver's license, or motor vehicle registration law within its jurisdiction, utilize the social security account numbers issued by the Commissioner of Social Security for the purpose of establishing the identification of individuals affected by such law, and may require any individual who is or appears to be so affected to furnish to such State (or political subdivision thereof) or any agency thereof having administrative responsibility for the law involved, the social security account number (or numbers, if he has more than one such number) issued to him by the Commissioner of Social Security.

(v) If and to the extent that any provision of Federal law heretofore enacted is inconsistent with the policy set forth in clause (i), such provision shall, on and after October 4, 1976, be null, void, and of no effect. If and to the extent that any such provision is inconsistent with the requirement set forth in clause (ii), such provision shall, on and after October 13, 1988, be null, void, and of no effect.

(vi) For purposes of clause (i) of this subparagraph, an agency of a State (or political subdivision thereof) charged with the administration of any general public assistance, driver's license, or motor vehicle registration law which did not use the social security account number for identification under a law or regulation adopted before January 1, 1975, may require an individual to disclose his or her social-security-number to such agency solely for the purpose of administering the laws referred to in clause (i) above and for the purpose of responding to requests for information from an agency administering a program funded under part A of subchapter IV of this chapter or an agency operating pursuant to the provisions of part D of such subchapter.

Article-5 of the Bill of Rights: the Constitution for the United States of America :

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

Amendment the 14th the Section-1 and Section-5: Constitution for the United States of America :

Section. 1. All persons born or naturalized in the United States and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

Section. 5. The Congress shall have power to enforce, by appropriate legislation, the provisions of this article.

Michigan-Constitution : Article-4, Sec.(s) 1, 22 , 23 ,

Article-4, Sec.-1. The legislative power of the State of Michigan is vested in a senate and a house of representatives.

Article-4, Sec.-22. All legislation shall be by bill and may originate in either house.

Article-4, Sec.-23. The style of the laws shall be: The People of the State of Michigan enact.

the Privacy Act of 1974: The enabling-clause

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Privacy Act of 1974".

the Privacy Act of 1974: The title

AN ACT

To amend title 5, United States Code, by adding a section 552a to safeguard individual privacy from the misuse of Federal records, to provide that individuals be granted access to records concerning them which are maintained by Federal agencies, to establish a Privacy Protection Study Commission, and for other purposes.

the Privacy Act of 1974, Section-7

Public-Law-93-579

88-Stat.-1896

Sec. 7. (a) (1) It shall be unlawful for any Federal, State or local government agency to deny to any individual any right, benefit, or privilege provided by law because of such individual's refusal to disclose his social security account number.

(2) the provisions of paragraph (1) of this subsection shall not apply with respect to--

(A) any disclosure which is required by Federal statute, or

(B) the disclosure of a social-security-number to any Federal, State, or local agency maintaining a system of records in existence and operating before January 1, 1975, if such disclosure was required under statute or regulation adopted prior to such date to verify the identity of an individual.

(b) Any Federal, State, or local government agency which requests an individual to disclose his social security

account number shall inform that individual whether that disclosure is mandatory or voluntary, by what statutory or other authority such number is solicited, and what uses will be made of it.

Rule 9. F.R.C.P. Pleading Special Matters

(g) SPECIAL DAMAGE. When items of special damage are claimed, they shall be specifically stated.

Rule 18. F.R.C.P Joinder of Claims and Remedies

(b) JOINDER OF REMEDIES; FRAUDULENT CONVEYANCES.

Whenever a claim is one heretofore cognizable only after another claim has been prosecuted to a conclusion, the two claims may be joined in a single action; but the court shall grant relief in that action only in accordance with the relative substantive rights of the parties. In particular, a plaintiff may state a claim for money and a claim to have set aside a conveyance fraudulent as to that plaintiff, without first having obtained a judgment establishing the claim for money.

PART G: CONCISE STATEMENT OF CASE:

Filed is the instant: a "pro-se"-complaint (non-attorney) by the Thomas-Robert: Peterson against the City-Detroit: in the Federal-District-Court for the Eastern-District of the State: Michigan. Of the jurisdiction cites the 28-USC-1331: a Federal question, and a tort. Noting the Complaint (at Sec.-C) [APX-E] cites the Claim and Cause-Of-Action as the violation of the Privacy Act of 1974: citing the Section-7(a)(1) of the Public-Law-93-579(88-Stat.-1896) and in the events section of the Complaint (at Sec-D,-part-b) states a violation of the section-7(b) of the Privacy Act of 1974 by the city-Detroit.

Note the Public-Law-93-579 may be cited as the Privacy Act of 1974, per the enabling-clause.

For the reason of a refusal of a disclosure of a social-security-account-number (social-security-number) is the denial of a permit for the operation of a taxi-for-hire within the city-limits of the city-Detroit; with the denial of the permit to the petitioner-Peterson by the city-Detroit. Noting the taxi-permit is of a city-ordinance(s) and the permit is named as a "public-drivers-license" by the Detroit-City-Code, however the permit is without the restraint of a State-drivers-license-law. And the said-permit is denied to the petitioner-Peterson by the general-license unit of the Detroit-Police-Department of the city-Detroit. Noting the concurrence is refused by the city-Detroit

Noting as-to the facts or events: appears without an argument: the Defendant-Detroit admits the denial of the "permit/license" to the petitioner is for the reason of a refusal by the petitioner-Peterson to disclose a social-security-account-number .

Noting in the Complaint: the Act of the Congress: the Public-law-93-579: (88-STAT-1896) is cited in the complaint at the Sec-C : the Claim / Cause-Of-Action .

Of the defendant-Detroit: responded to the summons and complaint, with a several-defenses, but the defendant-Detroit failed to cite a state-statute, a state-regulation, or a city-ordinance as an authority requiring a social-security-number as a condition of the permit.

Noting the petitioner-Peterson: filed-9-27-02 [docket APX-D] a timely-motion(s) pursuant to the F.R.C.P.-rule-18(b), rule-15(a) ("by leave of the court") for a claim of a 42-USC-1983 to the complaint, (noting the defendant-response, had claimed no remedy exists in the Privacy Act of 1974) Noting the district-court denies the motion(s) in the order dated the December-18-2002: stating the inability of the complaint to withstand a F.R.C.P.-rule-12 motion to dismiss, alleging the 42-USC-405(c)(2)(C)(i),(v) has repealed[1] the s-7(a)(1) of the Privacy Act of 1974 ; and of the said 12-18-02-order[APX-C-page-1]: the district-court requires a SHOW CAUSE of the plaintiff as to why the complaint should not be dismissed for a lack of the subject-matter-jurisdiction. Noting the district-court opinions the city-Detroit is administrating a local-taxi-license, pursuant to the 42-U.S.C.-405(c)(2)(C),(i),(v),. And thereby the motions are denied as the "futility of amendment".

In the footnote on the page-6 of the 12-18-02 district-court-order [APX-C] is a question of the existence, or the codification of the section-7 of the Privacy Act of 1974. Noting : Of the instant: the district-court and the circuit-court are without a ruling on the codification of the said-Section-7. And-Noting the district-court had raised questions as to a right to a remedy or a right-of-action by the section-7 of the Privacy-Act of 1974.

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[1] See page-5 of the 12-18-03-district-court-order[APX-C] the district-court-order: states: "" The Privacy Act has been repealed to the extent that it conflicts with a newer federal law..."

Whereupon the plaintiff responds to the courts-order and files a 26-page-show-cause, (filed-1-2-03) stating of the instant the defendant-Detroit use of the 42-USC-405 (c)(2)(C)(i) is by an arbitrary-requirement for a social-security-number, and thereby does not repeal, or exempt, to the section-7(a)(1),(b) of the Privacy Act of 1974 and thereby is not a valid-defense against the Complaint. Also filed is a motion for reconsideration of the denied-motion(s): the claim of a 42-USC-1983 and with the addition of a claim of a "special-damage" ; F.R.C.P.-rule-9(g) , specifically citing the violation of the s-7(b) of the Privacy Act of 1974. However the negligence-claim-motion is abandoned by the plaintiff. Noting all the filings are "pro-se" and without a hearing.

Whereupon in an order dated the January-23-2003[APX-B]: the District-Court denies the show-cause and thereby dismisses the action for the reason of an exemption to the said-7(a)(1), by the 42-USC-405(c)(2)(C),(i),(v) . Thereby dismissed is the action and any and all of the proposed-amendments or additions to the complaint: upon the reason : the "futility of amendment".

Evident from the orders of the District-Court: the action is dismissed solely upon the 42-USC-405(c)(2)(C)(i),(v) as an exemption to, or a repeal of the 7(a)(1). Dismissed by the F.R.C.P.- rule-12(b). without a hearing .

Whereupon the petitioner-Peterson files an appeal to the 6th-circuit-court-of-appeals, in the form of a 26-page-pro-se-appeal-brief and the city-Detroit responds with a 37-page-response, and the appellant files an 15-page-reply. Note of the appeal and reply: state or show of the arbitrary of the 42-USC-405(c)(2)(c)(i), by the operative-requirements.

Whereupon in the order, filed-8-5-03[APX-A] : the 6th-circuit-court affirms the district-court ruling, and dismisses the petitioners appeal, without a hearing, and thereby dismisses the motion(s) for the amendments or joinder to the

Complaint : dismisses the motion(s) for a reconsideration and the special-damage for the "futility of amendment".

Noting the circuit-court states the second-motions are not argued. (page-3 of the 8-5-03-order [APX-A])

Part H : Argument:

Preference: Noting the petitioner is a pro-se: without the professional-legal-training: the briefs may appear unconventional to a legal-professional or counsel.

Due-to the like-conclusions, some repetition appears unavoidable.

Of the form and the style of the "argument": are the notes, and/or the details as-to the statutory-construction, or the application of the statutory-construction, for the insight as-to the intent of the Congress, as-to the due-process. And of the instant, as-to the constitutionality of the rulings of the district-court and the circuit-court.

STATEMENT OF THE REASONS FOR THE ALLOWANCE OF THE WRIT:

Noting the district-court denies the subject-matter-jurisdiction upon the city-Detroit and the district-court-ruling is affirmed by the circuit-court:

Note the codification and existence of the Sec.-7 of the Public-Law-93-579 is questioned by the district-court, but without a ruling by the district-court or by the circuit-court.

Of the instant: By a failure of the due-process, cites the unconstitutionality of the district-court and of the circuit-court-ruling. Noting the conflict(s) with the federal court rulings, including the conflict with the rulings of the Supreme Court, thereby of the instant: repugnant to the 5th-Amendment and to the 14th-Amendment are the rulings of the district-court and of the circuit-court .

THE IMPORTANCE OF THE WRIT:

Of the rulings: the unconstitutionality allows the city-Detroit to deny the due-process and notes the stare-decisis of the instant allows the violation of the federal-law(s)upon the public. Noting the stare-decisis of the instant: upon a local-government and not-upon a State. Please-Note Of the instant: the subject-matter, is the only-stare-decisis known to the petitioner that is upon a local-government, (others cited of this action are upon a State) thereby an error of circuit-court as-to the Sec-7 and a local-government-agency is upon the public, notes an importance of the WRIT. And unable is the petitioner, of the finding, at the Supreme-Court-level: the stare-decisis as to the Section-7 of the Privacy Act of 1974. Therefore a ruling by the Supreme Court as to the existence and to the requirements of the language of the Section-7 of the Privacy Act of 1974, appears as a benefit upon the public.

Unconstitutionality is based on the fact, of the instant: the rulings of the district-court and the circuit-court holds an arbitrary-policy as the weight of a written-law, and thereby a damage upon the Citizen as the individual by a failure of the due-process. Noting the ruling(s) of the said-court(s) is in conflict with other federal-court(s) and in conflict with the Supreme Court rulings, which have consistently held to the unconstitutionality of the arbitrary-requirements upon the Citizens by the government or by the government-officials (stare-decisis-infra). Therefore and thereby is the error(s) in the case-law or stare-decisis at the circuit-court-level, and notes a deprivation of the "just, speedy, and inexpensive determination", (pursuant to the Federal-Rules-of Civil-Procedure-Rule-1) upon the public at the district-court and at the circuit-court-level, thereby presumes a detriment upon the public.

Presumes an additional-error by the circuit-court: note the circuit-court should have answered the question of the

matter of the section-7(b) of the Privacy Act of 1974, and thereby: noting an error in the matter of the dismissing a pro-se-complaint or appeal, thereby is the bad-case-law or stare-decisis, and thereby a detriment upon the public. Noting per the page-3 of the circuit-court-order[APX-A] ; quote: " the validity of s-7(b) is questionable". However cite Conley v:

" .... complaint should not be dismissed for failure to state a claim unless it appears beyond doubt that the plaintiff can prove no set of facts .... " Conley v. Gibson 355 U.S. 41 (1957).

ARGUMENT: General argument:

Whereas the circuit-court did-not seek the 28-U.S.C.-1254-(2)-certification, or rule against the existence of the Sec-7 of the Public-Law-93-579 (the "Privacy Act") therefore of the instant: the Sec.-7 of the Public-Law-93-579 as a federal-law: IS relied upon by the petitioner.

Note the district-court: HELD: that the 42-USC-405(c)(2)(C)(i),(v), ("s-405")"repeals" the section-7 of the Privacy Act of 1974, however for the operation of the 42-USC-405(c)(2)(C)(i),(v),(vi) is the internal-requirement of an administration of a state-law and please-note: within the Sec.405(c)(2)(C),(i)(iv),the term law is used a 4-times noting the city-Detroit never cited as the operative: the state-law-authority, or arguendo a local-ordinance. However the circuit-court affirms the district-court, dismisses the action in the 8-5-03-order, (page-3) [APX-A] Quote:

"Accordingly, the district court's judgment is affirmed"

Further-Noting the clear and unambiguous: language of the Congress of the said-section-7 and the said-section-405, with the statutory-construction: relying upon the maxim, the language of the law, is the intent of the law.(cite) U.S. v Goldenberg infra.

" The primary and general rule of statutory construction

is that the intent of the lawmaker is to be found in the language that he has used. He is presumed to know the meaning of words and the rules of grammar. The courts have no function of legislation, and simply seek to ascertain the will of the legislator." US. v. Goldenberg, et al., 168 U.S. 95, 102 (1897).

(cite) Williams v Coleman, infra.

"Application of the maxim {expressio unius est exclusio alterius} to a list of things creates an inference that things omitted from the list are excluded. Williams v Coleman, 194 Mich App 606; 488 NW2d 464 (1992).

Further-argument: the language of the 42-USC-405(c)(2)(C)(i),(v),(vi) ("s-405") requires a state-law for the operation of the statute, without such authority, is the failure of the due-process for the reason: the section-7 of the Public-Law-93-579 is upon the local-government, and as a benefit to the Citizen as the individual.

Pursuant to the Supreme-Court-Rule-15(2): thereby the instant appears: easy-to-defend as the city-Detroit must-only-show, of the state-law requiring a social-security-number. Note the 42-U.S.C.-405(c)(2)(C),(i),(v),(vi), allows under the certain-circumstance for the requirement of a social-security-number, however the said-s-405 is without a requirement for a social-security-number.

Noting the P.L.-93-579 is "enacted by the Senate and House of Representatives of the United States of America in Congress assembled" [1].Noting the local-government is bound by the language of the Act of the Congress, and outside of the language of the Act of the Congress is a failure of the due-process; noting the Supreme Court has consistently ruled an arbitrary-policy, outside the language of the law, is a failure of the due-process. (stare-decisis-infra)

[1] As-per the enabling-clause of the Act: the P-L-93-579.

Contained in the appendix: A,B,C, are the lower-court-orders, dismissing the complaint: neither court cites a state-law, regulation, or a municipal-ordinance as operative to the 42-U.S,C.-405(c)(2)(C),(i),(v),(vi). and the district-court admits a state-driver-license is required for the operation of the said-s-405, see page-5 of the 12-18-02-order, and page-3 of the 1-23-03-order: quote: "in the administration of any....driver's license, or motor vehicle registration law". And the circuit--courts admits a state-law is required, on page 2 of the Aug.-5-03-order: quote: "permits states to require disclosure of social security numbers in the administration of its driver's license law." Noting the municipality may not pass a law; vis a vis a municipality may pass an ordinance, cite the Michigan-Constitution;

Article-4,Sec.-1. "The legislative power of the State of Michigan is vested in a senate and a house of representatives. "

Article-4,Sec.-22. "All legislation shall be by bill and may originate in either house."

Article-4,Sec.-23. "The style of the laws shall be: The People of the State of Michigan enact. "

Noting the FACT : the state-license required for the operation of a taxi-for-hire, is a Michigan-Chauffeurs-License, and the state-law of the Michigan does-not require a social-security-number as a condition for a Michigan-Chauffeurs-License. Thereby the evidence of an arbitrary-requirement for a social-security-number, by the city-Detroit, vis a vis the evidence notes the unconstitutional-rulings of the district-court and the circuit-court.

(1) FACT : of the instant: the permit for the operation of a taxi-for-hire is named as a"public-drivers-license" by the Detroit-City-Code but the said-"public-drivers-license" is not a state-drivers-license and is not restrained by the state-law.

(2) FACT : of the Statute : the 42-U.S.C.-405(c)(2)(C), (i),(v),(vi), : for an exemption to the federal-law: requires the administration of a State-driver-license-law, thereby a State-law. (the word: law is used a 4- times within the 3-statute-sections)

(3) FACT: the section-7 of the Privacy Act requires a valid-authority from a local-government as a condition upon the requirement of a social-security-account-number.

(4) FACT : the sections of Detroit-City-Code, cited by the city-Detroit do not require a social-security-number.

(5) FACT: the section-7(b) of the Privacy Act requires the citing of the valid-authority for the requirement of a social-security-number, at or before the time of the request[1].

(6) FACT : an act by a government or government-officer without an authority of a written-law is an arbitrary-act.

(7) FACT : the article-5 of the Bill of Rights requires the due-process of the law, upon the property or the time-of-life of a Citizen. Note the arbitrary-acts of the government lack of the due-process (stare-decisis-infra).

(8) FACT : the Amendment: the 14th of the Constitution is upon the government-agency and thereby upon the local-government, and requires the due-process of the law, by the government. Note the arbitrary-acts of the government lack of the due-process (stare-decisis-infra).

(9) FACT: The Constitution for the United States of America is the supreme law of the Land, citing Article-6, section-2, of the Constitution (the supremacy clause).

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[1] " The requirements of section 7(b) are not fulfilled, however, when no affirmative effort is made to disclose this information at or before the time the number is requested and an citizen, like Doyle, must instead pry the pertinent facts from a state agency." Doyle v. Wilson 529 Fed-Supp 529,1343, 1350,

(10) FACT : there is no state-law of the State-Michigan that requires a social-security-number for the operation of a taxi-for-hire. Therefore by the simple-understanding: the requirement under the color of the state-law is an arbitrary-requirement.
(11) FACT : the 42-U.S.C.-405(c)(2)(C),(i),(v),(vi): requires the operative-facts within the said-405 for the lawful-operation of the statute.
(12) CONCLUSION: the arbitrary-requirement of a social-security-number, upon the petitioner by the city-Detroit is an unconstitutional and an unlawful requirement.

STARE-DECISIS arbitrary-requirements by a government.

Of the Yick Wo v Hopkins infra (1886).

AT-ISSUE-WAS: The ordinances as to laundries in wooden buildings: ordinances arbitrary in nature and allowed for the discrimination by the administration and to the enforcement, therefore the ordinances are found void and with the directions to discharge the petitioners from custody-and- imprisonment, as were held under the authority of the said-ordinances. Notes the authority must be specifically stated within the ordinance, (or statute) and not in the discretion or the arbitrary-will of the officer(s), (the-board-of-supervisors) in order to satisfy the due-process of law.

Citing : Yick Wo v. Hopkins, 118 U.S. 356 (1886);

" We are not able to concur in that interpretation of the power conferred upon the supervisors.There is nothing in the ordinances which points to such a regulation of the business of keeping and conducting laundries. They seem intended to confer, and actually to confer, not a discretion to be exercised upon a consideration of the circumstances of each case, but a naked and arbitrary power to give or withhold consent, not only as to places, but as to persons; so that, if an applicant for such consent,

being in every way a competent and qualified person, and having complied with every reasonable condition demanded by any public interest, should, failing to obtain the requisite consent of the supervisors to the prosecution of his business, apply for redress by the judicial process of mandamus to require the supervisors to consider and act upon his case, it would be a sufficient answer for them to say that the law had conferred upon them authority to withhold their assent, without reason and without responsibility. The power given to them is not confided to their discretion in the legal sense of that term, but is granted to their mere will. It is purely arbitrary, and acknowledges neither guidance no restraint"
Yick Wo v. Hopkins 118 U.S. 356 (1886);

"Sovereignty itself is, of course, not subject to law, for it is the author and source of law; but in our system, while sovereign powers are delegated to the agencies of government, sovereignty itself remains with the people, by whom and for whom all government exists and acts. And the law is the definition and limitation of power. "Yick Wo v. Hopkins supra

" there is nothing in the ordinance to guide or control his action. It lays down no rules by which its impartial execution can be secured, or partiality and oppression prevented" Yick Wo v. Hopkins supra

"In fact, an ordinance which clothes a single individual with such power hardly falls within the domain of law, and we are constrained to pronounce it inoperative and void.' This conclusion, and the reasoning on which it is based, are deductions from the face of the ordinance, as to its necessary pendency and ultimate actual operation. "
Yick Wo v. Hopkins supra

"The discrimination is therefore illegal, and the public administration which enforces it is a denial of the equal ' protection of the laws, and a violation of the fourteenth amendment of the constitution. The imprisonment of the petitioners is therefore illegal, and they must be discharged." Yick Wo v. Hopkins supra

And citing a Michigan case, clearly an officer or agent of the government must have a specific-authority and the said-authority must be of the written-law, such as called for in the 7 of the Privacy Act of 1974.

Sittler v. Board of Control of Michigan College of Mining and Technology, 333 Mich. 681, 53 N.W.2d 681, 684 (1952)

"The extent of the authority of the people's public agents is measured by the statute from which they derive their authority, not by their own acts and assumption of authority" .

And citing the 9th-circuit:

Phillips v. Fidalgo Island Packing Co., 238 F.2d 234 (9th Cir. 1956); (afirming 120 F Supp 777)

"Generally, administrative officer's authority is limited to the carrying out of a law according to its terms"

And when an municipal acts are "ultra-vires", or without a specific-statutory-authority: are by definition void and presumably without the duty to enforce or the requirement to obey: (cite)

Outboard Marine Corp. v. Thomas, 610 F.Supp. 1234, 1242 (N.D. Ill. 1985) "Acting without statutory power at all, or misapplying one's statutory power, will result in a finding that such action was ultra vires".

Noting Giordano v.infra: the Court suppressed the evidence when the delegation of authority was not specific to the statute: (cite) United States v Giordano , 416 U.S. 505, 94 S.Ct. 1820 (1974), at issue was the validity of a wire-tap

application, which under existing law could be approved only by the Attorney General and a specially designated assistant. In this case, a wire-tap was needed and application was submitted to the Attorney General, who was absent from his office as was the designated assistant. Instead, an executive assistant lacking authority to approve the application authorized it on the supposition that the Attorney General would approve. The Court held the executive assistant's act void, declared the wire-tap illegal, and as a consequence evidence was suppressed.

Other federal courts have reached much the same determination and dismissed cases because of a improper delegation of authority.

United States v Emerson 846 F 2d 541 (1988, 9-Cir) the case was dismissed because of a lack of a delegation of authority form the Attorney-General.

United States v Pees, 645 F Supp. 697 , 707 infra (1986)

"Such Carte Blanche authorization by Congress has never occurred"

And again Spain v. infra the government could point to no law granting an authority for the action thereby the conviction is reversed. United States v. Spain, 825 F.2d 1426 (10th Cir. 1987), at issue was the authority of the Drug Enforcement Administration to place certain substances upon the federal controlled substances list and thus make possession thereof a crime. Under former provisions of this law, the Attorney General possessed this power to schedule controlled substances, and he had previously delegated that authority to the DEA. But, in 1984, Congress amended the law and provided a new statutory procedure by which such substances could be placed upon the list through a "bypass" procedure. Without delegated authority to schedule drugs under the amendment, the DEA did so and commenced prosecution of parties possessing the newly scheduled drugs.

However, Spain's conviction was reversed when the Court held that the DEA's acts were void due to the lack of delegated authority to schedule the drugs pursuant to the new statutory procedure. Other courts have reached the identical conclusion; see United States v. Pees, 645 F.Supp.697 supra (D. Col. 1986); United States v. Hovey, 674 F. Supp. 161 (D. Del. 1987); United States v. McLaughlin, 851 F. 2d

STARE-DECISIS as-to a "pro-se":

If the finding is the pro-se-complaint is the rule-12(b)-dismissed for a legal-technicality then the dismissal would be contrary to the stare-decisis.

Conley v. Gibson 355 U.S. 41 (1957):

" In appraising the sufficiency of the complaint we follow, of course, the accepted rule that a complaint should not be dismissed for failure to state a claim unless it appears beyond doubt that the plaintiff can prove no set of facts in support of his claim which would entitle him to relief. "
Conley v. Gibson supra

The Court Held: " Failure of the complaint to set forth specific facts to support its general allegations of discrimination was not a sufficient ground for dismissal of the suit, since the Federal Rules of Civil Procedure do not require a claimant to set out in detail the facts upon which he bases his claim." Conley v. Gibson supra

".....the Federal Rules of Civil Procedure do not require a claimant to set out in detail the facts upon which he bases his claim. To the contrary, all the Rules require is a short and plain statement of the claim" that will give the defendant fair notice of what the plaintiff's claim is

and the grounds upon which it rests. The illustrative forms appended to the Rules plainly demonstrate this. Such simplified "notice pleading" is made possible by the liberal opportunity for discovery and the other pretrial procedures established by the Rules to disclose more precisely the basis of both claim and defense and to define more narrowly the disputed facts and issues. Following the simple guide of Rule 8 (f) that "all pleadings shall be so construed as to do substantial justice," we have no doubt that petitioners' complaint adequately set forth a claim and gave the respondents fair notice of its basis. The Federal Rules reject the approach that pleading is a game of skill in which one misstep by counsel may be decisive to the outcome and accept the principle that the purpose of pleading is to facilitate a proper decision on the merits."
Conley v. Gibson supra

Of the McGrucken v Smith infra the 9th-circuit indicates a pro-se-litigant must be advised of and given a chance to repair any technical-defects of the complaint. Noting the instant-petitioner is not advised of any technical-defects of the complaint by the district-court or the circuit-court.

" Before district-court may dismiss pro se complaint for failure to state a claim, the court must provide the pro-se-litigant with notice of the deficiencies of his or her complaint and an opportunity to amend the complaint."
McGuckin v Smith 974 F.2d 1050. (9-Cir.1992)

US v Gaubert infra: presumed a pro-se-action, and notes the importance of the statutory-construction, as to the discretion of an government-agency or the officers, and requirement of a specific-authority, for any arbitrary-acts of the government-agency, and notes the fact : Gaubert is permitted to amend his complaint:

the Court held :

"3. The Court of Appeals erred in holding that some of the acts alleged in Gaubert's Amended Complaint were not discretionary acts within the meaning of 2680(a)". United States v Gaubert 499 U.S.315 (1991): Noting of the instant: the pro-se-Plaintiff is not permitted to amend his complaint.

ARGUMENT: the details

Note: the counsel for the city-Detroit is a legal-professional of a municipal-legal-department and has failed to-show a repeal by the Congress of the said-Section-7 of the Public-Law-93-579, and the district-court and the circuit-court failed the showing of a repeal by the Congress of the said-Section-7. Therefore the petitioner is relying upon the language of the Congress of the said-Section-7 as a federal-law.

Argument: By the section-7 of the Privacy Act of 1974, certain acts are unlawful to a local-government-agency (a municipality), therefore the municipality must stay within the language of the Congress for an immunity to the liability created by the section-7(a)(1)(2) and section-7(b) of the Privacy Act of 1974.

Specific to the 42-U.S.C.-405(c)(2)(C),(i),(v),(vi): please-note the word or term: "law" used a 3-times within the section-(i) and a 1-time within the section(iv), noting the Sec-(vi) is operative to the Sec-(i), and the implied-law is a State-law, vis a vis the municipality may-not pass a law. (Michigan-Constitution supra.) Taken-together: the three-sections of the 42-U.S.C.- 405(c)(2)(C),(i),(v),(vi): requires the administration of a state-law for a valid-operation of the statute(s) , and for an repeal or an exemption to the s-7(a)(1) of the Privacy-Act.. Because the city-Detroit is unable of the citing of a law, requiring the social-security-number, thereby of the instant: the 42-U.S.C.-405(c)(2)(C),(i) is without a

conflict to the section-7(a)(1),(b) of the Privacy-Act. Note the operative, as the Sec.-(v) states:

> " If and to the extent that any provision of Federal law heretofore enacted is inconsistent with the policy set forth in clause (i), such provision shall, on and after October 4, 1976, be null, void, and of no effect.".

Without a conflict: the provisions of s-7(a)(1),(b) apply to the policy of the city-Detroit . Thereby the city-Detroit must-defend the subject-matter, or comply with the federal-law.

Noting the section-7(b) requires the citing of the authority for the request: before or at the time of the request: (cite) Doyle v Wilson infra:

> " The requirements of section 7(b) are not fulfilled, however, when no affirmative effort is made to disclose this information at or before the time the number is requested and an citizen, like Doyle, must instead pry the pertinent facts from a state agency." Doyle v. Wilson 529 Fed-Supp 529,1343, 1350,

For the record: to-date the city-Detroit has failed the citing of a state-statute requiring a social-security-number, and arguendo the city-Detroit has not even cited an local-ordinance or a written-policy or filed an affidavit: stating an authority for the requirement of a social-security-number.

And within the operation of the 42-U.S.C.-405(c)(2)(C), (i), (v),(vi), the pro-se-petitioner is unable to find an exemption or an implied-exemption to the section-7(b) of the Privacy Act of 1974, and thereby a failure of the due-process-of-law. Noting the 7(b) states the notice of the authority must be at the time of the request. Vis a vis by the due-process: thereby a Citizen as the individual may know the lawful-authority of the officer.

Please-Note: a right-of-action as a property-right (cite) Prichard v Norton.

"A vested right of action or a vested right to an existing defense, whether they spring from contract or from the principles of the common law, are property in the sense that it is not competent for the legislature to take them away." Pritchard v Norton, 106 US 124.

Constitution: Bill of Rights: Article-5
" any person"....."nor be deprived of life, liberty, or property, without due process of law "

Constitution: Amendment-14 " Section-1
"... nor shall any State deprive any person of life, liberty, or property, without due process of law; ..... "

Laches and simple-understanding note the petitioner is denied the due-process of law, with a loss of the time-of-life and/or the property. Therefore repugnant to Amendment-5 and Amendment-14 of the Constitution, are the lower-court-rulings. .

Evident in the circuit-court-order[APX-A] and in the district-court-order(s)[APX-B,C] of the instant: the city-Detroit did not cite an authority other than an arbitrary-policy, for the requirement of the social-security-number. Please-note the January-23-03-order [APX-B] of the district-court that dismisses the action; on the page-2 the district-court admits the Plaintiff makes the argument that the defendant-Detroit cannot identify a written-law requiring a social-security-number QUOTE :

" ....Plaintiff appears to make two arguments: (1) that 42 s405 (c)(2)(C)(i) does not apply because Defendant cannot identify a legal grant of authority for the requirement that an applicant for a taxi license provide his social-security-number for the license application;" and (2) Plaintiff should be permitted to amend his complaint to include a claim for violation of s7(b) of the Privacy Act of 1974.".

Together-with, on the Page-3 of the said-January-23-order the district-court admits the requirement for a social-security-number is an arbitrary-policy of the defendant-Detroit. QUOTE:

"In order to complete efficient and accurate record checks, the city uses the social-security-numbers....." .

And the district-court-order(s) are without an mention of a written law or regulation as a requirement for the social-security-number.

Arguendo: the city-Detroit did not file an affidavit stating a responsibility or a need for the social-security-number, therefor anybody in the administration could have required the policy of using social-security-numbers, from a lazy-bookkeeper to the police-chief, to the mayor, and I say anybody, because to-date we have only the city-Detroit-counsel allegations that the social-security-number is needed.

Presume the reason the district-court and the circuit-court failed a note of a state-law or a local-ordinance that requires a social-security-number is because the city-Detroit failed a cite of a law or a ordinance requiring the social-security-number: notes a 7(b)-violation. And the petitioner does not believe such a law or ordinance exists.

Noted-conclusion: the district-court and the circuit-court have are in error by giving an arbitrary-policy the weight of a written-law, and thereby is a failure of the due-process, noting Municipality is restrained to the law or statute by the 14th-Amendment, Nixon v Condon infra.

" The Fourteenth Amendment is a restraint upon the states and not upon private persons unconnected with the state." Nixon v Condon 286 US 73.

On the page-4 of the district-court-order, dated December-18-2002, (the order for show-cause) the district-court states: QUOTE:

" Inasmuch as the Plaintiff cannot show that the Privacy Act creates an individual right remediable by s-1983, Plaintiff will not be permitted to amend his complaint to include such a claim."

However of the action Owen v City of Independence infra: the Court states a statute may create an liability upon a municipality. Thereby argues the section-7(a)(1),(b) of the Public-Law-93-579 creates a civil-liability upon a municipality, otherwise how would the dictates of the Congress be enforced upon a municipal-government.

"That municipal corporations were commonly held liable for damages in tort was also recognized by the 42d Congress. See Monell v. New York City Dept. of Social Services, 436 U.S., at 688 . For example, Senator Stevenson, in opposing the Sherman amendment's creation of a municipal liability for the riotous acts of its inhabitants, stated the prevailing law: "Numberless cases are to be found where a statutory liability has been created against municipal corporations for injuries resulting from a neglect of corporate duty." Cong. [445 U.S. 622, 643] Globe, 42d Cong., 1st Sess., 762 (hereinafter Globe). 23 Nowhere in the debates, however, is there a suggestion that the common law excused a city from liability on account of the good faith of its authorized agents"

Owen v. City of Independence 44-US-622

For the record: cite Owen v. City of Independence 44-US-622 [supra] is an 42-U.S.C.-1983-action: affirming the fact: the local-governments must obey the Constitution and federal-laws: vis a vis must obey the Acts of the Congress. Noting: Peterson: filed a timely-motion pursuant to the F.R.C.P.-18(b); for the addition or joinder of a claim of 42-U.S.C.-1983 to the action. Dist.-court-docket [APX-D].). Owen v. and with the s-1983: cite the city has no discretion to violate the Federal-Law or the Federal Constitution.

" The principle of sovereign immunity from which a municipality's immunity for "governmental" functions derives cannot serve as the basis for the qualified privilege respondent city claims under 1983, since sovereign immunity insulates a municipality from unconsented suits altogether, the presence or absence of good faith being irrelevant, and since the municipality's "governmental" immunity is abrogated by the sovereign's enactment of a statute such as 1983 making it amenable to suit. " And the doctrine granting a municipality immunity for "discretionary" functions, which doctrine merely prevented courts from substituting their own judgment on matters within the lawful discretion of the municipality, cannot serve as the foundation for a good-faith immunity under 1983, since a municipality has no "discretion" to violate the Federal Constitution. "

Owen v. City of Independence 44-US-622

FACT : Dismissed for a lack of the subject-matter-jurisdiction is the action: noting the district-court-order dated the 1-23-03,(page-2-Section-I)[APX-B] quote:

"...., the court ordered the Plaintiff to show cause why this case should not be dismissed for lack of subject matter jurisdiction."

Noting the show-cause is denied by the district-court, and thereby the action is dismissed. However if the operation of the 42-U.S.C.-405(c)(2)(C),(i) is deemed the "arbitrary", thereby in-error is the district-court-ruling and by the affirm of the said-ruling: error by the circuit-court.

For-the-record: in the district-court order: dated 1-23-03, page-3 (revenant part below*) is the claim: the 42-U.S.C.-405(c)(C)(2)(i) allows exemption to the Privacy Act of 1974: the court notes the authority for the request as the entire section of the Detroit-City-Code: Carte-Blanche or

cited by the defendant-Detroit without a cite of a specific-code-section, And please-note the petitioner is unable of the finding of a requirement for a social-security-number within the cited-58-1-1-et-seq.(Dist-Court-order-page-3 [APX-B])

*"Section 58-1-1, et seq of the Detroit-City-Code of 1984 is a comprehensive regulatory scheme for vehicles for hire, such as taxicabs, within the city of Detroit, The Code provides operation and licensing requirements including a requirement that drivers be subject to periodic record checks by the police for criminal convictions. In order to complete efficient and accurate record checks, the city uses the social-security-numbers of drivers."

Noting arguendo: the petitioner doubts a Carte-Blanche-authorization would be applicable. : U.S. v Pees infra;

Citing as a maxim: Pees v. infra.

"Such Carte Blanche authorization by Congress has never occurred" United States v Pees, 645 F Supp. 697, 707 (1986)

Argument, Noting the operation of a taxi-for-gain in a simple-form, as a contract: a contract between the driver of the taxi and the passenger in the taxi. Presume the petitioner-Peterson has a right of the contracting for the exchange of the labor or the time of life, such as operating a taxi, for a gain, within the city-Detroit, and the city-Detroit has the right and the responsibility of the regulating of the commerce: i.e. the regulation of the commercial-operation(s) within the city-limits, then the city is bound of the due-process of the law as-to the said-regulating.

If there were an city-ordinance that requires the social-security-number then the petitioner-Peterson might have argued the ordinance is unconstitutional, or if the city-Detroit had cited a state-law requiring a social-security-number, thereby the petitioner-Peterson might have argued the state-

law is unconstitutional. Without a written-law, thereby the city-Detroit is liable to the language of the section-7 of the Privacy Act of 1974 and presumably liable for the damages: Cite: Owen v. City of Independence:

" Municipalities were therefore liable not only for their "proprietary" acts, but also for those "governmental" functions as to which the State had withdrawn their immunity. And, by the end of the 19th century, courts regularly held that in imposing a specific duty on the municipality either in its charter or by statute, the State had impliedly withdrawn the city's immunity from liability for the nonperformance or misperformance of its obligation. See, e. g., Weightman v. The Corporation of Washington, 1 Black 39, 50-52 (1862); Providence v. Clapp, 17 How. 161, 167-169 (1855). See generally Shearman & Redfield 122-126; Note, Liability of Cities for the Negligence and Other Misconduct of their Officers and Agents, 30 Am. St. Rep. 376, 385 (1893). Thus, despite the nominal existence of an immunity for "governmental" functions, municipalities were found [445 U.S. 622, 647] liable in damages in a multitude of cases involving such activities." Owen v City of Independence supra.

FEDERAL-STATUTE-ENFORCEMENT:

Whereas the city-Detroit and the district-court and the circuit-court, cites a federal-statute: the 42-U.S.C.-405 (c)(2)(C),(i),(v) , as an authority for the requirement of a social-security-number, even though the language of the said-s-405 does not require a social-security-number : arguendo: without the jurisdiction for the enforcement of a federal-statute is the municipality-Detroit. citing: U.S.v Cruikshank infra.

"The people of the United States resident within any State are subject to two governments: one State, and the other National; but there need be no conflict between the two. The powers which one possesses, the other does not . They are established for different purposes, and have separate jurisdictions. Together they make one whole, and furnish the people of the United States with a complete government, ample for the protection of all their rights at home and abroad. True, it may sometimes happen that a person is amenable to both jurisdictions for one and the same act. Thus, if a marshal of the United States is unlawfully resisted while executing the process of the courts within a State, and the resistance is accompanied by an assault on the officer, the sovereignty of the United States is violated by the resistance, and that of the State by the breach of peace, in the assault. So, too, if one passes counterfeited coin of the United States within a State, it may be an offence against the United States and the State: the United States, because it discredits the coin; and the State, because of the fraud upon him to whom it is passed."
U S v. CRUIKSHANK, 92 U.S. 542 (1875)

ARGUMENT: PRO-SE-STANDARD:

Noting the circuit-court-order called the 7(b)-claim : "questionable". On the page-3 of the circuit court order [APX-A] the court states: " ...,the validity of s-7(b) is questionable...". How can a pro-se-action be dismissed if there is a question as to a claim of a federal-law; and noting the federal-courts do not hold the "pro-se" to the standard of a trained-legal-professional. Noting the articulation of a 7(b) violation in the Complaint, at the Sec-D(b) [APX-E]. Noting a conflict with Conley v Gibson supra; Notes the logic if the claim is questionable then not beyond a doubt .

Argument: why would the circuit-court say the clear-language of the section-7(b) of the Privacy Act of 1974 is questionable. By the simple-understanding: the city-Detroit or its agency either did or did-not cite an authority required by the s-7(b) Nowhere in the fillings of the city-Detroit is the petitioner able to find the 7(b)-authority. Pursuant to the Supreme-Court-Rule-15(2) the city-Detroit must respond with the specific-cite, if in fact there is such a citing, of the record or otherwise.

And noting the language of the district-court-order. (the 1-23-03-order, page-6 [APX-B]): Quote:

> "Accordingly, Plaintiff has not persuaded the court that dismissal of his complaint is unwarranted. For the same reasons Plaintiff's motions to amend will be denied."

By the context of the word(s):"persuaded"and"unwarranted" it appears the district-court is with a doubt as to the subject-matter, and would appear in conflict with the Conley v. Gibson supra: as the notice-pleading is sufficient.

ARGUMENT AS-TO THE MOTIONS:

On the page-3 of the circuit-court-order, (filed-8-5-03) [APX-A] the court states: quote

> " Peterson has waived appellate review of the district-court's denial of his second motion to amend his complaint because his appellate brief does not contain any argument as to why the district-court's denial of such motion was improper"

Noting the dismissal is for the reason: the lack of subject-matter-jurisdiction by the 42-U.S.C.-405(c)(2)(C),(i)(v); all the motions and the special-damage are dismissed, by the district-court and the circuit-court as the futile; upon the dismissal of the Complaint. Noting the matter of the 42-U.S.C.-405(c)(2)(C)(i),(v),(vi) is argued, thereby it-would-follow: the motion(s) as the motions for reconsideration with

the claim of a special-damage are argued.

Noting it appears the pro-se is held to a high technical-standard and contrary to the rulings of the Supreme Court.

Special-Damage:

Whereas the section-7(b) requires citing the authority at the time of the request: Peradventure, if the city-Detroit were able to find and cite a valid-law requiring the social-security-number of the petitioner. Whereas: To-Date: the city-Detroit is failed the cite of the authority , violate of the 7b. Noting of the aforesaid, remains an injury or a damage upon the petitioner: a "Special-Damage"; F.R.C.P.-9(g), thereby the s-7(b) as a Special-Damage-Claim could be added to the instant: as an insurance for a remedy.

42 U.S.C. 1983 :

In the event: the city-Detroit is found violate of the federal-law(s): the addition of an 42-U.S.C.-1983 may-be-required for the remedy, as to the payment of the damages, and pursuant to the Federal rules of Civil Procedure, Rule-18(b), thereby the 42-U.S.C.-1983-claim could be added to the instant.

ARGUENDO: CODIFICATION OF Sec.-7:

Noting the district-court averred in the footnote on page-6, of the 12-18-02-order [APX-C]: the Sec-7 of the Privacy Act may not be codified. However the district-court and the circuit-court did not rule upon the codification of the said-section-7.

Note of the Public-Law-93-579-supra, by the TITLE of the Act: quote: " To amend title 5, the United States Code....." and quote: "....and for other purposes".

Note the United States Statutes at Large: the Public-Law-93-579; 88-Stat-1896, 1909 : the Act of the Congress: is approved on the December-31-1974, and citing:

Gardner V. the Collector 6 Wall 499, quote: "The date of the President's approval of the bill is undoubtedly the date at which it became a law, ..." Note the bill is the law.
And again citing

> ""Every bill which shall have passed the House of Representatives and the Senate shall, before it becomes a law,be presented to the President of the United States; if he approve, he shall sign it, but if not, he shall return it, with his objections, to that House in which it shall have originated." "If any bill shall not be returned by the President within ten days (Sunday excepted) after it shall have been presented to him, the same shall be a law in like manner as if he had signed it." Here are two courses of action by the President in reference to a bill presented to him, each of which results in the bill becoming a law. One of them is by signing the bill within ten days, and the other is by keeping it ten days, and refusing to sign it. Even in the event of his approving the bill, it is not required that he shall write on the bill the word approved, nor that he shall date it." Gardner v. the Collector supra

Therefore without the evidence of a repeal: the said-Sec.-7 appears as a Federal-Law and thereby the city-Detroit must defend or obey the federal-law.

Noting of the United- States-Code at 5-U.S.C.-552a, at Sec.-7 : the catch-line(s) are-not a part of the Act, vis a vis the catch-line(s) is without the authority of the Act.

CONCLUSION:

If the city-Detroit had cited a valid-authority at the beginning it is doubtful the action would have been filed. Noting the Congress stated in simple and clear language: the local-government requiring a social-security-number must cite the authority, and at the time of the request. However

to-date, the city-Detroit refuses to cite the authority or change the policy to a voluntary-requirement for a social-security-number and the city-Detroit, withholds the permit form the petitioner.

Whereas the city-Detroit withholds the commercial-permit for the operation of a taxi-for-hire and did not cite an authority other than an arbitrary-policy: notes the failure, or the deprivation of the due-process. Thereby notes the ruling of the circuit-court and the district-court should be reversed, and with a lawful-standard or a stare-decisis upon the Sec.-7 of the Privacy Act of 1974.

Noting the loss of the lawful-chosen-activity, or the time-of-life of the petitioner: failure of the due-process.

And-note a two-conditions upon the petitioner, by the city-Detroit: for a lawful-permit for the operation of a taxi-for-hire, within the venue of the said-city:

(1) the city-Detroit required/requires: the Plaintiff/petitioner must dismiss the instant civil-action, then without a social-security-number the permit may be obtained

or

(2) the Plaintiff/petitioner must disclose a social-security-number, and without the city-Detroit citing any statute, law, regulation, or ordinance that requires the disclosure of the social-security-number.

Damaged is the Thomas-Robert: Peterson.

Fundamental the question: is the city-Detroit and the federal-courts: required to obey the Constitution and federal-laws: to provide the due-process-of-law?

_____date_____

all-rights-reserved

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